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52

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JAPAN

EXAMINER

RUTTEN, JAMES D

ART UNIT PAPER NUMBER

2192

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,963

Applicant(s)

KAMIMURA, KUNIO

Examiner

J. Derek Rutten

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's preliminary amendment dated 10 December 2001, wherein claims 1-3, 9, 11, 12, 14, 15, and 17 have been amended, claims 4-8, 10, 13, and 16 have been canceled, and new claims 18-26 have been added, has not been entered since applicant has failed to remit (or authorize charge to a Deposit Account) the fee as indicated in the USPTO form PTOL-319 *INFORMALITY RE PAYMENT OF FEE* notice sent 1 March 2005. Original claims 1-17 filed 10 September 2001 remain pending in the application and have been fully considered by the examiner.

2. Claims 1-17 have been examined.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(t) because the drawing sheets are not consecutively numbered.

Art Unit: 2192

5. The drawings are objected to as failing to comply with 37 CFR 1.84(u)(1) because partial views appearing on separate sheets are not identified by the same number followed by a capital letter, e.g. figures 7, 8, and 11.

6. The drawings are objected to because element 301 appearing in Fig. 3 is apparently mislabeled as “Inernet” which should be --Internet--.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicant is encouraged to review MPEP § 608.01 for a description of each section of the preferred layout.

9. The disclosure is objected to because it lacks the Brief Description of the Several Views of the Drawing(s) section. See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74 is required.

10. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally **limited to a single paragraph on a separate sheet within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

11. The disclosure is objected to because of the following informalities: Page 4 line 17 contains a sequence of Asian characters that has not been translated into English.

Appropriate correction is required.

12. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1 lines 25-28: "Despite of this merit, the method accompanies a possibility of causing the increase in communication quantity as a server tries to notify a revision in its original data simultaneously towards its plural clients without delay [Problem 2]." Such language appears to be a product of a poor translation from the original language into English.

Claim Objections

13. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

14. Claim 1 is objected to because of the following informalities: For example a typo in claim 1 line 1 reads "an user", which should be --a user--.

15. Claims 15 and 16 are objected to because of the following informalities: Each claim should begin with a capital letter. See MPEP § 608.01(m). Appropriate correction is required.

16. Claim 15 contains 3 sub elements organized as (b), (a), (c). This is likely a typo that should instead be listed as (a), (b), (c).

Claim Rejections - 35 USC § 112

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

19. The claims are generally replete with issues involving insufficient antecedent basis for limitations in the claims. For example, claim 1 recites the limitation "said apparatus 713" in line 10 of the claim. Claim 4 recites the limitation "the polling" in line 2 of the claim. Claim 10 recites the limitation "the control label" in line 7 of the claim. Claim 10 recites the limitation "the data user" in line 10 of the claim. These recitations are merely exemplary and are not

Art Unit: 2192

intended to provide a comprehensive list. Where appropriate, any such limitations will be interpreted using the indefinite article “a” in place of the definite article “the” or “said”.

20. The claims are generally replete with semantic issues stemming presumably from a translation to English from the original language. Such issues make it difficult to establish a meaningful interpretation of the claims. For example, in claim 1, the phrase “providing a requester of said copy if it is valid” implies that if the copy is valid, a requester will be provided. This does not appear to be the actual intention of the invention, and it will be interpreted to mean --providing a copy for the requester if said copy is valid--. Furthermore, claim 1 is unclear since recitation of “providing said copy if said copy is invalid” in line 6 could refer to “a copy” appearing in line 2, or “a new copy” appearing in lines 3 and 4. This will be interpreted as --providing said new copy if said copy is invalid--. Claim 2 contains the phrase “a designation of an original data, a version distinguish data of the original data, the valid date”. This phrase makes little sense, but appears to attempt to distinguish some original data with a version, somehow related to “the valid date”. These recitations are merely exemplary and are not intended to provide a comprehensive list. Such issues also appear in claims 3, 4, and 6-17. Where appropriate, any such limitations will be interpreted using the indefinite article “a” in place of the definite article “the” or “said”.

21. It is noted that the use of reference characters is to be considered as having no effect on the scope of the claims. See MPEP § 608.01(m). As such, recitations of “said apparatus” or “the apparatus” are unclear since there are seemingly numerous apparatuses to refer to.

Art Unit: 2192

22. Claims 2, 10, 11, 12, 14, 15, and 17 are unclear since they use quotation marks around a large section of text. It seems that this is intended to refer to some prior step. If so, there is a lack of antecedent basis. The claims will be interpreted without the quotation marks.
23. Claim 5 is rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

24. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

25. Claims 1-11 and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,999,947 to Zollinger et al. (hereinafter “Zollinger”).

In regard to claim 1, Zollinger discloses:

a method for controlling data (column 14 line 55 – column 15 line 28),

comprising:

(a) a process for revising a record of corresponding valid date by receiving an instruction for revising the valid date of the copy held by said apparatus. See column 3 lines 47-49 and 63-64:

A client will initially receive a client copy of a database table having a particular version identifier, such as a version number, **date stamp**, etc....The client copy of the database table is then given the **latest version identifier** and is considered current.

Zollinger processes updates to the database and revises the version identifier, or valid date upon an instruction for synchronization.

In regard to claim 2, the above rejection of claim 1 is incorporated. Zollinger further discloses:

(b) a process for recording a designation of an original data, a version distinguish data of the original data, the valid date in correspondence with the copy of the data held by said apparatus. See column 3 lines 63-64 as cited above.

In regard to claim 3, the above rejection of claim 2 is incorporated. Zollinger further discloses:

(c) a process for specifying the copy of a version that is equivalent to or older than the version corresponding to a designation of the original data included in the instruction for revising the valid date as well as to the version distinguish data of the original data, and rewriting said valid date corresponding to said copy. See column 3 lines 33-36.

In regard to claim 4, the above rejection of claim 1 is incorporated. Zollinger further discloses:

(d) a process for operating the polling towards said computer for controlling the valid date of the data, and receiving the instruction for revising the valid date. See column 3 lines 36-41.

In regard to claim 5, the above rejection of claim 4 is incorporated. Zollinger further discloses:

(e) a process for collectively receiving plural instructions for revising the valid dates. See column 3 lines 36-41 as cited above. Multiple clients that are polling the server for updates inherently require plural instructions for revision upon the event of a revision update.

In regard to claim 6, the above rejection of claim 4 is incorporated. Zollinger further discloses:

(f) a process for notifying a previous polling time to the apparatus for controlling the valid date of the data. See column 3 lines 63-64 as cited above. This limitation is interpreted to refer to a response (notifying) to a synchronization request (previous polling time).

In regard to claim 7, the above rejection of claim 4 is incorporated. Zollinger further discloses:

(g) a process for operating the polling at a next time a connection towards Internet is established if the connection towards Internet has not been set up at an expected polling time. See column 7 lines 63-67.

Art Unit: 2192

In regard to claim 8, the above rejection of claim 4 is incorporated. Zollinger further discloses:

(h) a process for notifying the apparatus for controlling the valid date of the original data of the designation of the original data of the copy that is control target by the valid date within the apparatus. See column 3 lines 49-52.

In regard to claim 9, the above rejection of claim 8 is incorporated. Zollinger further discloses:

(i) a process for notifying the apparatus for controlling the valid date of the original data of the designation of the original data including the designation of the original data of plural copies that are control target by the valid date within the apparatus. See column 3 lines 65-67.

In regard to claim 10, Zollinger discloses:

(k) a process for retrieving the control label among said control labels for the original data designated by the apparatus of the data user, and sending said retrieved control label to the apparatus of the data user. See column 3 lines 33-36:

Each update is made by comparing a current copy of a database table with a reference copy of the same database table with the update being given a version identifier, such as a sequential version number.

Also see column 3 lines 63-64:

The client copy of the database table is then given the latest version identifier and is considered current.

Art Unit: 2192

Control labels are interpreted to refer to Zollinger's version identifier which is used to identify the relevant update among a sequence of updates. All further limitations have been addressed in the above rejections of claims 1 and 2.

In regard to claim 11, Zollinger discloses:

(l) a process for recording the time when the control label is registered; See column 3 lines 47-49 as cited above in the rejection of claim 1.

(m) a process for retrieving the control label recorded after the time indicated by the apparatus of data user. See column 3 lines 59-63:

For a sequentially numbered version number used as a version identifier, all updates having a larger number than that of the client copy of the database table are used to make the client copy current.

All further limitations have been addressed in the above rejection of claim 10.

In regard to claim 13, Zollinger discloses an apparatus (see column 5 lines 1-2: server computer"). All further limitations have been addressed in the above rejections of claims 1, 4, and 6.

In regard to claim 14, all further limitations have been addressed in the above rejection of claims 11 and 13.

In regard to claim 15, Zollinger discloses:

the computer-readable recording media recording the program that has realized the method for controlling the data. See column 16 lines 25-55.

All further limitations have been addressed in the above rejections of claims 1-3.

In regard to claim 16, all further limitations have been addressed in the above rejection of claims 1, 4, 6, and 15.

In regard to claim 17, All further limitations have been addressed in the above rejection of claims 10 and 15.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger in view of U.S. Patent 5,991,773 to Tagawa (hereinafter "Tagawa").

In regard to claim 12, Zollinger discloses:

An apparatus for controlling data (see column 5 lines 1-2: "server computer"),
comprising:

(n) a communication control unit; See column 5 lines 27-31:

Typically, a communications network will comprise a physical component or physical connection that is made up of the wiring, interface cards, and other hardware combined with a specified information sharing protocol and associated software.

Art Unit: 2192

Zollinger further discloses synchronization between a server and client on the Internet using a control unit (see column 7 lines 63-67:

Furthermore, the logical connection (i.e., the actual contact between the client server or handshaking) may also occur intermittently over a continuous physical connection (e.g., LAN, over the Internet, interprocess communication, etc.).

Zollinger does not expressly disclose a web data control unit. However, in an analogous environment, Tagawa teaches operating a database over the internet using a web data control unit. See column 1 lines 13-18:

Conventional distributed database systems use the Internet via a plurality of information providers (servers). Most servers distributed throughout a database structure called the World Wide Web (WWW) on the Internet provide their own individual data that users on the information terminal unit end obtain when the need arises.

All further limitations have been addressed in the above rejection of claims 1-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Tagawa's teaching of using the World Wide Web to communicate data. One of ordinary skill would have been motivated to use this WWW to semi-automatically move data among computers (Tagawa column 1 lines 23-25).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571) 272-3703. The examiner can normally be reached on T-F 6:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdr



TUAN DAM
SUPERVISORY PATENT EXAMINER